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**BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JON EASON PERRY, P.A.

714 Garden Pl

Roswell, NM 88201-7767

Physician Assistant License No. PA 22153

RESPONDENT.

Case No. 950-2021-003283

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

On August 26, 2021, an employee of the Physician Assistant Board (Board) sent by certified mail a copy of Accusation No. 950-2021-003283, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, at his address of record with the Board, 714 Garden Place, Roswell, NM 88201-7767. (Exhibit Package, Exhibit 1¹, Accusation and related documents, proof of service.)

On October 11, 2021, Respondent signed the Notice of Defense, acknowledging receipt of the Accusation and related documents. (Exhibit Package, Exhibit 2, Signed Notice of Defense.)

On December 14, 2021, a Notice of Hearing was served by certified mail on Respondent at his address of record, informing him that an administrative hearing in this matter was scheduled for February 3, 2022, commencing at 1:00 p.m. The mailing was received and the certified mail card was signed by Respondent. (Exhibit Package, Exhibit 3, Notice of Hearing, proof of service, certified mailer card.)

After the Notice of Hearing was sent, counsel for Complainant took multiple steps to remind Respondent of the hearing date and time. (Exhibit Package, Exhibit 4, Declaration of

¹ The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

1 Deputy Attorney General Caitlin Ross.) Respondent did not appear at the February 3, 2022
2 hearing. The Administrative Law Judge found that proper notice of the hearing had been
3 provided, and declared Respondent to be in default. (Exhibit Package, Exhibit 5, Findings and
4 Declaration of Default, Order of Remand)

5 **FINDINGS OF FACT**

6 I.

7 Rozana Khan is the Executive Officer of the Physician Assistant Board. The charges and
8 allegations in the Accusation were at all times brought and made solely in the official capacity of
9 the Board's Executive Officer.

10 II.

11 On February 24, 2012, Physician Assistant License Number PA 22153 was issued by the
12 Board to Jon Eason Perry, PA. The license is renewed and current and will expire on October 31,
13 2023. (Exhibit Package, Exhibit 6, License Certification.)

14 III.

15 On August 26, 2021, Respondent was duly served with an Accusation, alleging causes for
16 discipline against Respondent. Respondent filed a Notice of Defense to contest the Board's
17 action against him. Respondent failed to appear at a properly noticed hearing, and Respondent
18 was declared to be in default.

19 IV.

20 The allegations of the Accusation (Exhibit Package, Exhibit 1, Accusation) are true as
21 follows:

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Discipline, Restriction, or Limitation Imposed by Another State)**

24 12. Respondent, who was until recently licensed as a physician assistant in New Mexico,
25 is subject to disciplinary action under Code sections 2305 and/or 141 of the Code in that on April
26 13, 2021, the New Mexico Medical Board (the New Mexico Board) entered an Agreed Order for
27 Voluntary Surrender of License while Under Investigation (the New Mexico Order) involving
28

Respondent. Respondent's New Mexico license was accordingly disciplined, restricted, and limited. The New Mexico Order is attached to the Accusation as Exhibit A. The circumstances are set forth in the attached New Mexico Order and summarized here as follows:

13. On January 14, 2021, the New Mexico Board entered a Notice of Contemplated Action against Respondent in Case No. 2021-001. The Notice of Contemplated Action stated that the New Mexico Board had sufficient evidence that, if not rebutted or explained, would justify the New Mexico Board in taking action against Respondent, up to and including revocation of his license.

14. About three months after it entered the Notice of Contemplated Action, the New Mexico Board entered an Agreed Order for Voluntary Surrender of Licensee While Under Investigation (the New Mexico Order) in Case No. 2021-001. The New Mexico Order set forth that Respondent stipulated that the New Mexico Board's investigation produced credible evidence to support the following factual allegations:

- Respondent was treating Patient A² for chronic lower back pain, emotional lability, and generalized anxiety disorder with opioids, benzodiazepines, and psychotropic drugs.
- On February 13, 2020, Patient A filed a complaint with the Board alleging, among other things, Respondent grabbed her buttocks during a January 8, 2020, office visit, told her they should have sex so she could have his baby, asked to see her vagina, told her he was a whore and had been cheating on his wife, explained his wife could not keep up with his sex drive, and showed her a photo of another female patient he had been seeing.
- The complaint Patient A filed with the Board stated she had filed a report with the police regarding Respondent's conduct.
- The police investigated Patient A's report, including having a conversation with Respondent. Individuals with whom the investigating officer spoke did not corroborate the statements Respondent made to the officer.

² Patient A is a pseudonym for the patient's identity.

- Respondent’s medical records for Patient A do not support the medications Respondent was prescribing to Patient A; those records and Respondent’s treatment of Patient A do not conform with the New Mexico Board’s Rule governing the treatment of pain and other conditions with controlled substances.
- Respondent amended Patient A’s medical records on two occasions - both of which post-date Patient A filing her complaint with the Board - to indicate he would no longer treat Patient A because she was not complying with his office’s policy governing patients being treated with controlled substances.
- On February 28, 2020, Respondent filed a civil complaint against Patient A after she publicized his inappropriate conduct toward her.
- On July 9, 2020, Patient B³ filed a complaint with the Board in which she alleged, among other things, Respondent met her while she was hospitalized after going to the hospital emergency room seeking treatment for anxiety, depression, hypersexuality, and suicidal ideation following a failed suicide attempt. While hospitalized, Patient B was diagnosed as bipolar I, with alcohol use disorder and PTSD based on multiple instances of abuse during childhood. Respondent shared with Patient B that he could relate to her circumstances because he suffered from some of the same conditions as she did.
- Respondent made arrangements to handle Patient B’s post-hospitalization aftercare, saw her on roughly a weekly basis for about six weeks, and subsequently diagnosed Patient B with ADHD, depression, and anxiety. Respondent began adjusting Patient B’s medications in manner Patient B maintains kept her in a manic state.
- After about one month, Respondent began “chatting” with Patient B via on-line messaging about matters unrelated to her treatment. Among other things, Respondent told Patient B he loved her, told her she was his “only hope to get laid

³ Patient B is a pseudonym for the patient’s identity.

1 in New Mexico in 2020,” he wanted to have sex with her in his office, and did not
2 acknowledge Patient B’s disclosures of on-going suicidal ideation.

- 3 • Patient B recorded her January 2, 2020, office visit with Respondent. During that
4 visit, Respondent touched and kissed Patient B, complained about his work at the
5 hospital, told her she could adjust the quantities of the medication he was
6 prescribing, confessed to having been divorced multiple times, explained he had
7 been hypersexual his entire life (and wouldn’t want to change that), shared that he
8 gravitated toward her because she was amazing, reminded her he was her medical
9 provider and her friend, and promised when he sent her text messages in the future
10 he would be “nice,” “professional,” and would keep his “dirty boy comments to
11 [himself].”
- 12 • Respondent did not provide Patient B a copy of her medical records when she
13 requested them.
- 14 • Subsequently, Respondent told Patient B he wanted to be in her life on an ongoing
15 basis and engaged in sexual intercourse with Patient B at Patient B’s place of
16 business.

17 15. As part of the New Mexico Order, Respondent stipulated that these allegations in the
18 preceding paragraph, if established during a hearing held pursuant to the appropriate rules, would
19 subject Respondent to discipline under the New Mexico Medical Practice Act and the New
20 Mexico Board’s rules. These rules included statutory prohibitions on:

- 21 • willfully or negligently divulging a professional confidence;
 - 22 • making false or misleading statements regarding . . . the efficacy or value of the
23 medicine, treatment or remedy . . .[,];
 - 24 • the prescribing, administering or dispensing of narcotic, stimulant or hypnotic
25 drugs for other than accepted therapeutic purposes[,];
 - 26 • conduct likely to deceive, defraud or harm the public[,];
 - 27 • repeated similar negligent acts[,];
- 28

- failure to furnish the New Mexico Board, its investigators or representatives with information requested by the New Mexico Board[,];
- injudicious prescribing, administering or dispensing of a drug or medicine[,];
- sexual contact with a patient . . . [,];
- conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public[,];
- improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records[,];
- interaction with . . . patients . . . that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient[,];
- willfully or negligently divulging privileged information or a professional secret

16. As part of the New Mexico Order, Respondent's license to practice was surrendered. The New Mexico Order prohibits Respondent from engaging in any activity constituting the practice of medicine and prohibits Respondent from applying for a new license to practice in New Mexico. The New Mexico Order also prohibited Respondent from challenging the accuracy of the allegations in the Order in any future proceeding before the New Mexico Board. The New Mexico Order also required Respondent to report entry of the New Mexico Order to any other jurisdiction where Respondent is licensed to practice. The New Mexico Order also confirmed that the New Mexico Board would report the entry of the New Mexico Order to the National Practitioner Data Bank, the Federation of State Medical Boards, and the American Medical Association.

17. The actions of the New Mexico Board and the New Mexico Order, as set forth above and in the attached New Mexico Order, constitute unprofessional conduct and cause for discipline pursuant to sections 2305 and/or 141 of the Code.

SECOND CAUSE FOR DISCIPLINE
(Failure to Report Out-of-State Discipline)

18. Paragraphs 12 through 17 of the Accusation (Exhibit Package, Ex. 1, Accusation) are reincorporated here as if set out in full.

19. On April 13, 2021, Respondent's license was disciplined, restricted and limited by the New Mexico Order. Respondent did not report the New Mexico Order to the California Physician Assistant Board. (Ex. 7, Haydon Declaration.)

20. Respondent's failure to report the New Mexico Order to the California Physician Assistant Board constitutes unprofessional conduct and cause for discipline pursuant to section 3527 subdivision (a), section 3527 subdivision (b), and California Code of Regulations, title 16, section 1399.521.5, subdivision (e)(4), which requires a licensee to report, within 30 days, any disciplinary action taken by another licensing entity or authority of another state.

A copy of the New Mexico discipline issued by the New Mexico Medical Board is attached is attached to the Accusation, Exhibit Package, Exhibit 1.

V.

The Board finds that pursuant to Business and Professions Code section 125.3, the costs of investigation and enforcement of the case prayed for in the Accusation total \$6,050.00, based on the Certification of Costs (Exhibit Package, Exhibit 8)

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the New Mexico Medical Board constitute cause for discipline within the meaning of Business and Professions Code sections 2305, 141 subdivision (a), 3527 subdivision (a), section 3527 subdivision (b), and California Code of Regulations, title 16, section 1399.521.5, subdivision (e)(4).

The Board finds that pursuant to Business and Professions Code section 125.3 , the costs of investigation and enforcement of the case prayed for in the Accusation total \$6,050.00.

DISCIPLINARY ORDER

Physician Assistant License Number PA 22153 issued to Jon Eason Perry, PA. is hereby

1 **REVOKED.** Respondent is ordered to pay \$6,050.00 in costs, payable to the Physician
2 Assistant Board, State of California. (Exhibit Package, Ex. 8, Costs.)

3 Respondent shall not be deprived of making a request for relief from default as set forth in
4 Government Code section 11520 subdivision (c) for good cause shown. However, such showing
5 must be made in writing by way of a motion to vacate the default decision and directed to the
6 Physician Assistant Board at 2005 Evergreen Street, Suite 2250, Sacramento, CA 95815, within
7 Seven (7) days of the service of this Decision.

8 This Decision will become effective April 1, 2022, 2022 at 5:00 p.m.

9 It is so ordered on March 3, 2022, 2022.

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11 PHYSICIAN ASSISTANT BOARD
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 By Rozana Khan

15 Rozana Khan, Executive Officer
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2021-003283

13 **JON EASON PERRY, P.A.**
14 **714 Garden Pl**
Roswell, NM 88201-7767

ACCUSATION

15 **Physician Assistant License No. PA 22153**

16 Respondent.
17

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19 **PARTIES**

20 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

22 2. On or about February 24, 2012, the Physician Assistant Board issued Physician
23 Assistant License Number PA 22153 to JON EASON PERRY, P.A. (Respondent). The
24 Physician Assistant License was in full force and effect at all times relevant to the charges
25 brought herein and will expire on October 31, 2023, unless renewed.
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JURISDICTION

3. This Accusation is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2305 of the Code provides that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

5. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

6. Section 3527 of the Code states, in part:

(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the

1 Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board
2 of California.

3 (b) The board may order the denial of an application for, or the suspension or revocation of,
4 or the imposition of probationary conditions upon, an approved program after a hearing as
5 required in Section 3528 for a violation of this chapter or the regulations adopted pursuant
6 thereto.

7 . . .

8 (e) The board may order the licensee to pay the costs of monitoring the probationary
9 conditions imposed on the license.

10 7. Section 3528 of the Code states that any proceedings involving the denial, suspension
11 or revocation of the application for licensure or the license of a physician assistant, the
12 application for approval or the approval of a supervising physician, or the application for approval
13 or the approval of an approved program under this chapter shall be conducted in accordance with
14 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
15 Code.

16 8. Section 2234, subdivision (a) of the Code states, in part, that unprofessional conduct
17 includes the violation of any provision of the Medical Practice Act.

18 9. California Code of Regulations, title 16, section 1399.521, subdivision (a), states, in
19 part, that the Board may suspend, revoke or place on probation a physician assistant for any
20 violation of the Medical Practice Act which would constitute unprofessional conduct for a
21 physician and surgeon.

22 10. California Code of Regulations, title 16, section 1399.521.5, subdivision (e)(4),
23 states, in part, that unprofessional conduct includes the failure to report to the Board, within 30
24 days, any disciplinary action taken by another licensing entity or authority of another state.

25 11. Section 125.3 of the Code states, in part:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the
28 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
administrative law judge may direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the

investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

12. Respondent, who was until recently licensed as a physician assistant in New Mexico, is subject to disciplinary action under Code sections 2305 and/or 141 of the Code in that on April 13, 2021, the New Mexico Medical Board (the New Mexico Board) entered an Agreed Order for Voluntary Surrender of License while Under Investigation (the New Mexico Order) involving

Respondent. Respondent's New Mexico license was accordingly disciplined, restricted, and limited. The New Mexico Order is attached to this Accusation as Exhibit A. The circumstances are set forth in the attached New Mexico Order and summarized here as follows:

13. On January 14, 2021, the New Mexico Board entered a Notice of Contemplated Action against Respondent in Case No. 2021-001. The Notice of Contemplated Action stated that the New Mexico Board had sufficient evidence that, if not rebutted or explained, would justify the New Mexico Board in taking action against Respondent, up to and including revocation of his license.

14. About three months after it entered the Notice of Contemplated Action, the New Mexico Board entered an Agreed Order for Voluntary Surrender of Licensee While Under Investigation (the New Mexico Order) in Case No. 2021-001. The New Mexico Order set forth that Respondent stipulated that the New Mexico Board's investigation produced credible evidence to support the following factual allegations:

- Respondent was treating Patient A¹ for chronic lower back pain, emotional lability, and generalized anxiety disorder with opioids, benzodiazepines, and psychotropic drugs.
- On February 13, 2020, Patient A filed a complaint with the Board alleging, among other things, Respondent grabbed her buttocks during a January 8, 2020, office visit, told her they should have sex so she could have his baby, asked to see her vagina, told her he was a whore and had been cheating on his wife, explained his wife could not keep up with his sex drive, and showed her a photo of another female patient he had been seeing.
- The complaint Patient A filed with the Board stated she had filed a report with the police regarding Respondent's conduct.
- The police investigated Patient A's report, including having a conversation with Respondent. Individuals with whom the investigating officer spoke did not corroborate the statements Respondent made to the officer.

¹ Patient A is a pseudonym for the patient's identity.

- Respondent's medical records for Patient A do not support the medications Respondent was prescribing to Patient A; those records and Respondent's treatment of Patient A do not conform with the New Mexico Board's Rule governing the treatment of pain and other conditions with controlled substances.
- Respondent amended Patient A's medical records on two occasions - both of which post-date Patient A filing her complaint with the Board - to indicate he would no longer treat Patient A because she was not complying with his office's policy governing patients being treated with controlled substances.
- On February 28, 2020, Respondent filed a civil complaint against Patient A after she publicized his inappropriate conduct toward her.
- On July 9, 2020, Patient B² filed a complaint with the Board in which she alleged, among other things, Respondent met her while she was hospitalized after going to the hospital emergency room seeking treatment for anxiety, depression, hypersexuality, and suicidal ideation following a failed suicide attempt. While hospitalized, Patient B was diagnosed as bipolar I, with alcohol use disorder and PTSD based on multiple instances of abuse during childhood. Respondent shared with Patient B that he could relate to her circumstances because he suffered from some of the same conditions as she did.
- Respondent made arrangements to handle Patient B's post-hospitalization aftercare, saw her on roughly a weekly basis for about six weeks, and subsequently diagnosed Patient B with ADHD, depression, and anxiety. Respondent began adjusting Patient B's medications in manner Patient B maintains kept her in a manic state.
- After about one month, Respondent began "chatting" with Patient B via on-line messaging about matters unrelated to her treatment. Among other things, Respondent told Patient B he loved her, told her she was his "only hope to get laid

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1 in New Mexico in 2020,” he wanted to have sex with her in his office, and did not
2 acknowledge Patient B’s disclosures of on-going suicidal ideation.

- 3 • Patient B recorded her January 2, 2020, office visit with Respondent. During that
4 visit, Respondent touched and kissed Patient B, complained about his work at the
5 hospital, told her she could adjust the quantities of the medication he was
6 prescribing, confessed to having been divorced multiple times, explained he had
7 been hypersexual his entire life (and wouldn’t want to change that), shared that he
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9 provider and her friend, and promised when he sent her text messages in the future
10 he would be “nice,” “professional,” and would keep his “dirty boy comments to
11 [himself].”
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13 requested them.
- 14 • Subsequently, Respondent told Patient B he wanted to be in her life on an ongoing
15 basis and engaged in sexual intercourse with Patient B at Patient B’s place of
16 business.

17 15. As part of the New Mexico Order, Respondent stipulated that these allegations in the
18 preceding paragraph, if established during a hearing held pursuant to the appropriate rules, would
19 subject Respondent to discipline under the New Mexico Medical Practice Act and the New
20 Mexico Board’s rules. These rules included statutory prohibitions on:

- 21 • willfully or negligently divulging a professional confidence;
 - 22 • making false or misleading statements regarding . . . the efficacy or value of the
23 medicine, treatment or remedy . . .[,];
 - 24 • the prescribing, administering or dispensing of narcotic, stimulant or hypnotic
25 drugs for other than accepted therapeutic purposes[,];
 - 26 • conduct likely to deceive, defraud or harm the public[,];
 - 27 • repeated similar negligent acts[,];
- 28

- failure to furnish the New Mexico Board, its investigators or representatives with information requested by the New Mexico Board[,];
- injudicious prescribing, administering or dispensing of a drug or medicine[,];
- sexual contact with a patient . . . [,];
- conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public[,];
- improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records[,];
- interaction with . . . patients . . . that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient[,];
- willfully or negligently divulging privileged information or a professional secret

16. As part of the New Mexico Order, Respondent's license to practice was surrendered. The New Mexico Order prohibits Respondent from engaging in any activity constituting the practice of medicine and prohibits Respondent from applying for a new license to practice in New Mexico. The New Mexico Order also prohibited Respondent from challenging the accuracy of the allegations in the Order in any future proceeding before the New Mexico Board. The New Mexico Order also required Respondent to report entry of the New Mexico Order to any other jurisdiction where Respondent is licensed to practice. The New Mexico Order also confirmed that the New Mexico Board would report the entry of the New Mexico Order to the National Practitioner Data Bank, the Federation of State Medical Boards, and the American Medical Association.

17. The actions of the New Mexico Board and the New Mexico Order, as set forth above and in the attached New Mexico Order, constitute unprofessional conduct and cause for discipline pursuant to sections 2305 and/or 141 of the Code.

SECOND CAUSE FOR DISCIPLINE

(Failure to Report Out-of-State Discipline)

18. Paragraphs 12 through 17 are reincorporated here as if set out in full.

19. On April 13, 2021, Respondent's license was disciplined, restricted and limited by the New Mexico Order. Respondent did not report the New Mexico Order to the California Physician Assistant Board.

20. Respondent's failure to report the New Mexico Order to the California Physician Assistant Board constitutes unprofessional conduct and cause for discipline pursuant to section 3527 subdivision (a), section 3527 subdivision (b), and California Code of Regulations, title 16, section 1399.521.5, subdivision (e)(4), which requires a licensee to report, within 30 days, any disciplinary action taken by another licensing entity or authority of another state.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Revoking or suspending Physician Assistant License Number PA 22153, issued to Jon Eason Perry, P.A.;
2. Ordering Jon Eason Perry, P.A., if placed on probation, to pay the Board the costs of probation monitoring;
3. Ordering Jon Eason Perry, P.A. to pay the Physician Assistant Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: August 26, 2021



ROZANA KHAN
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Accusation No. 950-2021-003283

BEFORE THE NEW MEXICO MEDICAL BOARD

IN THE MATTER OF)	
JON EASON PERRY, P.A.,)	Case No. 2021-001
License No. PA2011-0062,)	(Inv. Nos. 2020-B-034,
)	2020-B-143)
Respondent.)	
_____)	

**AGREED ORDER FOR VOLUNTARY SURRENDER OF LICENSE
WHILE UNDER INVESTIGATION**

The New Mexico Medical Board ("the Board") and Jon Eason Perry, P.A. ("Respondent"); together "the Parties," jointly approve this "Agreed Order for Voluntary Surrender of License While Under Investigation" ("Agreed Order").

STIPULATIONS OF THE PARTIES

1. The Parties stipulate Respondent holds a license to practice in New Mexico and is subject to the jurisdiction of the Board pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 through -35, the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34, and rules and regulations of the Board related to the practice of medicine ("Board's Rules"), which are codified at Title 16, Chapter 10, NMAC.
2. The Parties stipulate the Board has authority to enter into this Agreed Order.
3. The Parties stipulate this Agreed Order was mutually determined, contains no unconscionable provision, and will otherwise remain in full force and effect if any portion of it is invalidated by judgment or court order.
4. The Parties stipulate this Agreed Order is a public document and its entry will be reported to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the American Medical Association (AMA).
5. The Parties stipulate this Agreed Order is in the best interests of Respondent, the

Board and the public, and is consistent with the purposes and objectives of the MPA.

6. The Parties stipulate they are entering into this Agreed Order to avoid the expense of proceeding to an evidentiary hearing at which the Board is prepared to submit credible evidence in support of the allegations against Respondent set forth below by a preponderance of the evidence.

7. The Parties stipulate Respondent admits no wrongdoing by entering into this Agreed Order.

8. The Parties agree this Agreed Order will have full force and effect if executed in counterparts and/or via facsimile or other electronic means.

9. The Parties agree this Agreed Order will be effective upon entry by the Board.

10. The Parties stipulate this Agreed Order contains the entire agreement between the Parties with respect to its subject matter and will not be enlarged, modified, or altered except by written order of the Board after Respondent has been given all due process required by law.

11. The Parties stipulate Respondent first came under investigation by the Board on or about February 13, 2020, when the Board received a complaint from Patient S.A. alleging, among other things, Respondent, during a January 8, 2020, appointment at his office, touched her in a sexual manner, told her she should have his child, confessed to being a "whore" and was cheating on his wife, and asked to see her genitalia.

12. The Parties stipulate Respondent came under investigation a second time on or about July 9, 2020, when the Board received a complaint from a Patient R.F., whom Respondent had been treating since the patient's hospitalization for mental health issues, including suicidal ideation, in which Patient R.F. alleged, among other things, Respondent had been communicating with her via instant messaging and other means unrelated to her treatment, told

her he wanted to have sex with her at his office, engaged with her in an intimate and sexual manner during an office visit, and encouraged her to leave her husband so they could be together.

13. The Parties stipulate Respondent inactivated his license at the Board's request on or about January 13, 2021, and the Board entered a Notice of Contemplated Action (NCA) in NCA in this matter on January 14, 2021.

14. The Parties stipulate the Board's investigation produced the credible evidence to support the following factual allegations –

a. Respondent was treating Patient S.A. for chronic lower back pain, emotional lability, and generalized anxiety disorder with opioids, benzodiazepines, and psychotropic drugs.

b. On February 13, 2020, Patient filed a complaint with the Board alleging, among other things, Respondent grabbed her buttocks during a January 8, 2020, office visit, told her they should have sex so she could have his baby, asked to see her vagina, told her he was a whore and had been cheating on his wife, explained his wife could not keep up with his sex drive, and showed her a photo of another female patient he had been seeing.

c. The complaint Patient S.A. filed with the Board stated she had filed a report with the Roswell Police Department regarding Respondent's conduct.

d. The Roswell Police Department investigated Patient S.A.'s report, including having a conversation with Respondent. Individuals with whom the investigating officer spoke did not corroborate the statements Respondent made to the officer.

e. Respondent's medical records for Patient S.A. do not support the medications Respondent was prescribing to Patient S.A.; those records and Respondent's treatment of Patient S.A. do not conform with the Board's Rule governing the treatment of pain and other conditions with controlled substances.

f. Respondent amended Patient S.A.'s medical records on two occasions – both of which post-date Patient S.A. filing her complaint with the Board – to indicate he would no longer treat Patient S.A. because she was not complying with his office's policy governing patients being treated with controlled substances.

g. On February 28, 2020, Respondent filed a civil complaint against Patient S.A. after she publicized his inappropriate conduct toward her.

h. On July 9, 2020, Patient R.F. filed a complaint with the Board in which she alleged, among other things, Respondent met her while she was hospitalized after going to the hospital emergency room seeking treatment for anxiety, depression, hypersexuality and suicidal ideation following a failed suicide attempt. While hospitalized, Patient R.F. was diagnosed as bipolar I, with alcohol use disorder and PTSD based on multiple instances of abuse during childhood. Respondent shared with Patient R.F. that he could relate to her circumstances because he suffered from some of the same conditions as she did.

i. Respondent made arrangements to handle Patient R.F.'s post-hospitalization after-care, saw her on roughly a weekly basis for about six weeks, and subsequently diagnosed Patient R.F. with ADHD, depression, and anxiety. Respondent began adjusting Patient R.F.'s medications in a manner Patient R.F. maintains kept her in a manic state.

j. After about one month, Respondent began "chatting" with Patient R.F. via on-line messaging about matters unrelated to her treatment. Among other things, Respondent told Patient R.F. he loved her, told her she was his "only hope to get laid in New Mexico in 2020," he wanted to have sex with her in his office, and did not acknowledge Patient R.F.'s disclosures of on-going suicidal ideation.

k. Patient R.F. recorded her January 2, 2020, office visit with Respondent. During

that visit, Respondent touched and kissed Patient R.F., complained about his work at the hospital, told her she could adjust the quantities of the medication he was prescribing, confessed to having been divorced multiple times, explained he had been hypersexual his entire life (and wouldn't want to change that), shared that he gravitated toward her because she was amazing, reminded her he was her medical provider and her friend, and promised when he sent her text messages in the future he would be "nice," "professional," and would keep his "dirty boy comments to [himself]."

l. Respondent did not provide Patient R.F. a copy of her medical records when she requested them.

m. Subsequently, Respondent told Patient R.F. he wanted to be in her life on an ongoing basis and engaged in sexual intercourse with Patient R.F. at Patient R.F.'s place of business.

15. The Parties stipulate the allegations above, if established by a preponderance of the evidence during a hearing held pursuant to the MPA, the ULA and the Board's Rules, would subject Respondent to discipline under the MPA and the Board's Rules. *See, e.g.*, NMSA 1978, § 61-6-15(D)(5), (9), (17), (18), (19), (23), (26), (28), (29), (33), (36), (38) ("willfully or negligently divulging a professional confidence[.]" "making false or misleading statements regarding . . . the efficacy or value of the medicine, treatment or remedy . . .[.]" "the prescribing, administering or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes[.]" "conduct likely to deceive, defraud or harm the public[.]" "repeated similar negligent acts[.]" "failure to furnish the [B]oard, its investigators or representatives with information requested by the [B]oard[.]" "injudicious prescribing, administering or dispensing of a drug or medicine[.]" "sexual contact with a patient . . . [.] "conduct unbecoming in a person

licensed to practice or detrimental to the best interests of the public[,]" "improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records[,]" "interaction with . . . patients . . . that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient[,]" "willfully or negligently divulging privileged information or a professional secret"); Part 16.10.8 NMAC (dishonesty and other breaches of medical ethics, including violations of the AMA Code of Medical Ethics, which requires adherence to the principles of professionalism, honesty and respect for the law at all times); Part 16.10.14 NMAC (establishing requirements for the treatment of pain and other conditions with controlled substances); Part 16.10.17 NMAC (setting forth requirements for the maintenance of medical records); and/or NMSA 1978, § 61-1-7(G) ("A licensee who . . . takes any adverse action against a person for providing information to [the Board shall be subject to disciplinary action.").

AGREEMENT OF THE PARTIES

16. In exchange for the Board's agreement to accept Respondent's voluntary surrender of his license, Respondent agrees –
- a. to voluntarily surrender his license and not to apply for a new license to practice in New Mexico,
 - b. to waive his right to a hearing on the allegations contained in the NCA,
 - c. not to challenge the accuracy of the allegations set forth in this Agreed Order in any future proceeding before the Board,
 - d. to waive his right to an appeal, and
 - e. to report entry of this Agreed Order to any other jurisdiction where he may be licensed to practice.

17. In exchange for Respondent's agreement to voluntarily surrender his license and not to apply for a new license to practice in New Mexico, the Board agrees it will close this case and will waive any requirement for Respondent to reimburse the Board the costs it incurred investigating and prosecuting this case.

STATEMENTS AND AFFIRMATIONS BY RESPONDENT

18. By signing below, I state and affirm –
- a. I knowingly, voluntarily and intelligently accept and understand the terms of this Agreed Order.
 - b. I knowingly, voluntarily and intelligently waive my rights under the MPA and the ULA, including my right to a hearing and my right to an appeal.
 - c. I cannot challenge the accuracy of the allegations contained in this Agreed Order in any future proceeding before the Board.
 - d. I understand, having surrendered my license to practice in New Mexico, I cannot engage in any activity constituting the practice of medicine.
 - e. I know and understand I have the right to consult with an attorney of my choice regarding my rights and the effects of this Agreed Order, and I have either consulted an attorney or am waiving my right to counsel.
 - f. I recognize this Agreed Order is a public document and the Board will report its entry to the NPDB, the FSMB and the AMA.

Date

Date

Jon Eason Perry, P.A.
Respondent

S. Doug Jones Witt, Esq.

ORDER

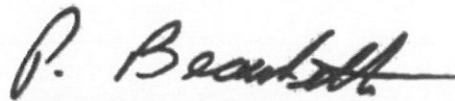
THE BOARD, HAVING FOUND allowing Respondent to voluntarily surrender his license to practice in New Mexico is in the best interests of Respondent, the Board and the public, and,

HAVING FURTHER FOUND Respondent understands the terms of this Agreed Order, including his waiver of rights and is agreement not to challenge the accuracy of the allegations in this Agreed Order in any future proceeding before the Board,

HEREBY ACCEPTS Respondent's voluntary surrender of his license while under investigation, and

ORDERS this case closed and waives any requirement for Respondent to reimburse the Board the costs it incurred investigating and prosecuting this case.

NEW MEXICO MEDICAL BOARD



Peter T. Beaudette, M.D.
Chairman

Certificate of Service

I certify I sent a copy of this Agreed Order as entered to Respondent's counsel, S. Doug Jones Witt, Esq., by email addressed to doug@joneswittlawfirm.org, and to counsel for the Prosecution Yvonne M. Chicoine, at yvonnem.chicoine@state.nm.us.

04/13/2021

Date



Elisha F. Lucero
Administrative Assistant